

AO450 - Judgment in a Civil Case

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UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

PETE CUMING, JAMES A. BENTON,  
and DOROTHY MCFADDEN, individually  
and as representatives of a class of people  
similarly situated,

Plaintiffs,

**JUDGMENT IN A CIVIL CASE**

vs.

Case Number: 3:05-3608-MBS

SOUTH CAROLINA LOTTERY  
COMMISSION, JAMES A. BAILEY, JR.,  
T. MOFFATT BURRISS, DR. EDWARD  
C. KEITH, ASHLEY LANDES, TIM  
MADDEN, A. MARVIN  
QUATTLEBAUM, JR., BOYKIN ROSE,  
NATHANIEL SPELLS, SR., LISA H.  
STEVENS, in their official positions as  
members of the Board of Commissioners of  
the South Carolina Lottery Commission,  
and ERNIE PASSAILAIGUE as Executive  
Director of the South Carolina Lottery  
Commission,  
ANGLER'S MINI-MART, INC., PIGGLY  
WIGGLY CAROLINA COMPANY,  
PIGGLY WIGGLY OF MT. PLEASANT,  
LLC, and THE PANTRY, INC.,  
individually and as representatives of a  
class of Lottery Retailers similarly situated,  
Defendants.

Defendants.

**Decision by Court.** This action came to hearing before the Court, The Honorable Margaret B. Seymour, United States District Judge, presiding. The defendants motions to dismiss having been heard and a decision having been duly rendered,

**IT IS ORDERED AND ADJUDGED** that the plaintiffs Pete Cuming, James Benton,

and Dorothy McFadden, individually and as representatives of a class of people similarly situated, shall take nothing of the defendants The Pantry Inc., Angler's Mini-Mart, Inc., Piggly Wiggly Carolina Company, and Piggly Wiggly of Mt Pleasant, LLC., individually and as representative of a class of Lottery Retailers similarly situated, as to the Third Amended Class Action Complaint and this case is dismissed as to these defendants with prejudice pursuant to FRCP 12(b)(6).

The court having been advised that the case has settled as to the remaining defendants, IT IS FURTHER ORDERED AND ADJUDGED that the plaintiffs James Benton, and Dorothy McFadden, individually and as representatives of a class of people similarly situated shall take nothing of the defendants South Carolina Lottery Commission, James A. Bailey Jr., T. Moffatt Burris, Dr. Edward C. Keith, Ashley Landes, Tim Madden, A. Marvin Quattlebaum Jr., Boykin Rose, Nathaniel Spells Sr., Lisa H. Stevens, in their official positions as members of the Board of Commissioners of the South Carolina Lottery Commission, and Ernie Passailaigue as Executive Director of the South Carolina Lottery Commission, as to the Third Amended Class Action Complaint and this case is dismissed with prejudice.

LARRY W. PROPES, Clerk  
By: s/Angie Snipes  
Deputy Clerk

March 2, 2009